

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

DON GIBSON, LAUREN CRISS, and
JOHN MEINERS, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS, et al.,

Defendants.

Case No. 4:23-cv-00788-SRB

**DEFENDANT BERKSHIRE HATHAWAY ENERGY COMPANY'S
MOTION TO CERTIFY THE COURT'S ORDER DENYING BERKSHIRE
HATHAWAY ENERGY COMPANY'S MOTION TO DISMISS FOR LACK OF
PERSONAL JURISDICTION AND IMPROPER VENUE PURSUANT TO
28 U.S.C. § 1292(b) AND FOR A STAY PENDING INTERLOCUTORY APPEAL**

January 10, 2025

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Pursuant to 28 U.S.C. § 1292(b), Defendant Berkshire Hathaway Energy Company (“BHE”) respectfully moves this Court to certify for immediate interlocutory review its December 16, 2024 order denying BHE’s motion to dismiss for lack of personal jurisdiction and for improper venue, *see* ECF No. 590 (the “MTD Order”), given that the MTD Order involves several important controlling questions of law as to which there is substantial ground for difference of opinion and whose resolution would materially advance the ultimate termination of the litigation, including:

- 1) When a defendant challenges personal jurisdiction, does Twombly’s “plausibility” standard apply, or must the plaintiff offer evidence supporting jurisdiction?*
- 2) Under Section 12 of the Clayton Act, can a district court attribute the jurisdictional contacts of a subsidiary to its direct or indirect parent without finding that the parent controlled and dominated the subsidiary so as to warrant piercing its corporate veil?*
- 3) Is nationwide service of process under Section 12 of the Clayton Act available when an antitrust plaintiff fails to satisfy Section 12’s venue provision?*

The reasons for this motion are more fully set forth in the accompanying Suggestions.

Dated: January 10, 2025

/s/ Taylor Concannon Hausmann

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on January 10, 2025, on all counsel of record by virtue of the Court's CM/ECF system.

/s/ Taylor Concannon Hausmann
Attorney